

business hours at the Ecological Services Field Office (8:00 to 4:30), at the above address in Austin, Texas. Written data or comments concerning the application should be submitted to the Acting Field Supervisor, Ecological Services Field Office, Austin, Texas (see ADDRESSES above). Please refer to permit number PRT-798667 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Joseph E. Johnston at the above Austin Ecological Service Field Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Peter Van Cuylenburg plans to construct a single-family residence on Lots 9 and 10, Block C, Section 6, Rob Roy on the Creek Subdivision, Travis County, Texas. This action will eliminate less than one half acre of land and indirectly impact less than four additional acres of golden-cheeked warbler per residence. The applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing \$1,500 into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

**James A. Young,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95-6468 Filed 3-15-95; 8:45 am]

BILLING CODE 4310-55-M

**Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for Incidental Take Permit for Construction of One Single Family Residence on Lot 37, Block G, Chambly Cove, Long Canyon, Austin, Travis County, TX**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** Charles E. Dixon (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the

Endangered Species Act (Act). The Applicant has been assigned permit number PRT-798532. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction of one single-family residence on Chambly Cove, Long Canyon, Austin, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made before 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

**DATES:** Written comments on the application and EA/HCP should be received on or before April 17, 1995.

**ADDRESSES:** Persons wishing to review the application may obtain a copy by writing to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Joseph E. Johnston, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490-0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours at the Ecological Services Field Office (8:00 to 4:30), at the above address in Austin, Texas. Written Data or comments concerning the application and EA/HCP should be submitted to the Acting Field Supervisor, Ecological Services Field Office, Austin, Texas (see ADDRESSES above). Please refer to permit Number PRT-798532 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Joseph E. Johnston at the above Austin Ecological Service Field Office.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Act prohibits the "taking" of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Charles E. Dixon plans to construct a single-family residence on Lot 37 of Long Canyon Subdivision, Travis County, Texas. This action will

eliminate less than one half acre of land and indirectly impact less than one additional acre of golden-cheeked warbler habitat per residence. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by placing \$1,500 into the City of Austin Balcones Canyonlands Conservation Fund to acquire/manage lands for the conservation of the golden-cheeked warbler.

Alternatives to this action were rejected because selling or not developing the subject property with federally listed species present was not economically feasible.

**James A. Young**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95-6467 Filed 3-15-95; 8:45 am]

BILLING CODE 4310-55-M

**INTERSTATE COMMERCE COMMISSION**

[Finance Docket No. 32602]

**The Indiana & Ohio Central Railroad Company, Inc.—Lease and Operation—West Central Ohio Port Authority**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the lease and operation by Indiana & Ohio Central Railroad Company, Inc., of the West Central Ohio Port Authority's (WESTCO PA) approximately 72.1 miles of rail line, formerly known as the Bellefontaine Cluster, in Clark, Champaign and Logan Counties, OH, subject to standard employee protective conditions. The Bellefontaine Cluster consists of: (1) The Bellefontaine Secondary Track, from milepost 98.8 near Bellefontaine, in Logan County, OH, to milepost 129.4, at a point of connection with the Catawba Secondary Track in Springfield, Clark County, OH; (2) the Catawba Secondary Track, from milepost 129.4, in Springfield, to milepost 130.6, at a point of connection with Consolidated Rail Corporation in Springfield; (3) the Catawba Secondary Track, from milepost 0.0 in Springfield, to milepost 17.2, at the end of the track in Mechanicsburg, Champaign County, OH; (4) the Urbana Industrial Track, from milepost 45.2 to milepost 50.03, in Urbana, Champaign County, OH; (5) the Urbana Secondary Track, from milepost 48.1, in Urbana, to milepost 54.2 in

Bowlusville, Clark County, OH; (6) the Maitland Secondary Track, from milepost 124.5, in Glen Echo, Clark County, OH, to milepost 132.6, near Springfield; (7) a portion of the former main line of the Erie Railroad, from milepost 351.5, near Glen Echo, to milepost 353.1 in Urbana; and (8) a portion of the Old St. Mary's Branch, from milepost 53.3 to milepost 52.73, in Bellefontaine.

**DATES:** This exemption is effective on April 15, 1995. Petitions to stay must be filed by March 31, 1995. Petitions to reopen must be filed by April 10, 1995.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 32602 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Robert L. Calhoun, Sullivan & Worcester, Suite 1000, 1025 Connecticut Avenue, N.W., Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721].

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Ave., N.W., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: March 2, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 95-6499 Filed 3-15-95; 8:45 am]

BILLING CODE 7035-01-P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Joseph A. Zadrozny, M.D.; Revocation of Registration

On November 7, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Joseph A. Zadrozny, M.D., of Waltham, Massachusetts. The Order to Show Cause proposed to revoke Dr. Zadrozny's DEA Certificate of Registration, AZ1230426, under 21 U.S.C. 824(a)(3) and 824(a)(5), and deny any pending applications for renewal of such registration under 21 U.S.C. 823(f).

The Order to Show Cause was served on Dr. Zadrozny on November 14, 1994. More than thirty days have passed since the Order to Show Cause was received by Dr. Zadrozny. The Drug Enforcement Administration has received no response from Dr. Zadrozny or anyone purporting to represent him.

Pursuant to 21 CFR 1301.54(d), the Deputy Administrator finds that Dr. Zadrozny has waived his opportunity for a hearing. Accordingly, under the provisions of 21 CFR 1301.54(e) and 1301.57, the Deputy Administrator enters his final order in this matter without a hearing and based on the investigative file.

The Deputy Administrator finds that between July and October 1988, Dr. Zadrozny submitted claims for medical services under the Medicaid program of the Massachusetts Department of Public Welfare, and received a total of \$10,907 in payments. In addition, Dr. Zadrozny billed for services not performed in the treatment of patients involved in automobile accidents. These claims were later determined to be fraudulent since there was no evidence that Dr. Zadrozny actually performed these medical services.

On November 25, 1991, in the Suffolk County Superior Court, Commonwealth of Massachusetts, Dr. Zadrozny was charged with 43 felony counts related to the filing of false Medicaid claims and larceny. Following a jury trial, on August 28, 1992, Dr. Zadrozny was found guilty of one felony count of Medicaid fraud and a second count of larceny. Dr. Zadrozny was sentenced to two years imprisonment, with 18 months suspended, and placed on two years probation.

As a result of his program related convictions, effective March 4, 1993, the Department of Health and Human Services mandatorily excluded Dr. Zadrozny from participation in the Medicare program for a period of five years pursuant to 42 U.S.C. 1320a-7(a). Pursuant to 21 U.S.C. 824(a)(5), such exclusion constitutes a basis for the revocation of Dr. Zadrozny's DEA Certificate of Registration.

On November 18, 1992, the Massachusetts Board of Registration in Medicine (Board) issued a Statement of Allegations proposing to discipline Dr. Zadrozny based upon his criminal convictions; his excessive and fraudulent billing for services not performed under the Medicaid program; and his failure to maintain adequate medical records. On June 8, 1994, the Board revoked Dr. Zadrozny's license to practice medicine, and as a result, his Massachusetts controlled substance

registration was automatically terminated.

The Deputy Administrator finds that as of June 8, 1994, Dr. Zadrozny was no longer authorized to handle controlled substances in the Commonwealth of Massachusetts. The Drug Enforcement Administration cannot register or maintain the registration of a practitioner who is not duly authorized to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See James H. Nickens, M.D.*, 57 FR 59847 (1992); *Elliott Monroe, M.D.*, 57 FR 23246 (1992); *Bobby Watts, M.D.*, 53 FR 11919 (1988).

The Deputy Administrator finds that grounds exist to revoke Dr. Zadrozny's DEA registration under 21 U.S.C. 824(a)(3) and (a)(5). No evidence of explanation or mitigating circumstances was offered by Dr. Zadrozny. Therefore, it is clear that Dr. Zadrozny's DEA Certificate of Registration must be revoked.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AZ1230426, previously issued to Joseph A. Zadrozny, M.D., be, and it hereby is, revoked and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective April 17, 1995.

Dated: March 10, 1995.

**Stephen H. Greene,**  
Deputy Administrator.

[FR Doc. 95-6509 Filed 3-15-95; 8:45 am]

BILLING CODE 4410-09-M

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with 28 CFR 50.7, notice is hereby given that on March 8, 1995, a proposed Second Modified Consent Decree in *United States of America v. City of New Bedford, Massachusetts*, Civil Action No. 87-2497-T, was lodged with the United States District Court for the District of Massachusetts. The United States' complaint sought relief under the Clean Water Act, 33 U.S.C. 1251, *et seq.* The Second Modified Consent Decree revises the existing Modified Consent Decree entered by the Court in 1990. The Second Modified Consent Decree provides for an extension in the deadline for completion of construction of secondary treatment facilities from May 1, 1995 to August 22, 1996, and